

BASED UPON careful consideration of the documentary and testimonial evidence introduced at the hearing and upon the entire record in the proceeding, the Hearing Officer hereby makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The North Carolina Department of Insurance (“NCDOI”) is a state agency responsible for enforcement of the insurance laws of North Carolina and for regulating and licensing insurance producers, in accordance with Chapter 58 of the North Carolina General Statutes.

2. The Notice of Administrative Hearing (“Notice”) and Petition for Administrative Hearing (“Petition”) were properly served on Respondent at Respondent’s residential address of record pursuant to N.C. Gen. Stat. §§ 58-2-69(b), (d), and (e) and Rule 4 of the North Carolina Rules of Civil Procedure. The Notice and Petition were delivered on March 29, 2025 at the residential address of record. *See* Pet’r’s Ex. 2.

3. At all relevant times, Respondent held a resident North Carolina Insurance Producer License, National Producer Number 15665025, with lines of authority in Personal Lines, Life, and Accident and Health or Sickness (“License”). Respondent’s License was first issued in North Carolina on February 15, 2010. *See* Pet’r’s Ex. 3.

4. Jeff Miller is a Complaint Analyst with Agent Services, and his job responsibilities include handling enforcement files for Agent Services. This includes handling an investigation of a licensee if another state takes administrative action against the licensee. Administrative actions are reflected on the Regulatory Information Retrieval System (“RIRS”) report, which is an automatic notification system through the National Association of Insurance Commissioners (“NAIC”). This system notifies the NCDOI if another state has taken administrative action against a North Carolina licensee.

5. Jeff Miller assumed responsibility for the investigation pertaining to Respondent after another Complaint Analyst, Lindsay Maczka, left her position with Agent Services. Specifically, the PIC alert regarding the administrative action against Respondent that the Kansas Insurance Department (“Kansas”) entered into NAIC on January 24, 2024. *See* Pet’r’s Ex. 4.

6. Agent Services obtained a certified copy of the denial letter issued by the Kansas Insurance Department (“Kansas administrative action”). *See* Pet’r’s Ex. 2. On August 28, 2023, Kansas denied Respondent’s application for a non-resident insurance producer license. *Id.* The denial was based on Respondent’s failure to disclose a June 6, 2018 administrative action from the Florida Department of Financial Services (“Florida”) when Respondent answered “No” to a background question on the application which asked if Respondent had ever been named or involved as a party in an administrative or arbitration proceeding regarding any professional or occupational license or registration. *Id.* Kansas determined this

constituted providing incorrect, misleading, incomplete or untrue information in the license application and indicated the insurable interests of the public would not be served by granting a license. *Id.* The denial became effective at the expiration of fifteen (15) days (plus three (3) days for mailing) of the August 28, 2023 letter if Respondent failed to request a hearing or enter into a Consent Order. *Id.* Based on its language, the Kansas administrative action would have been effective on or around September 16, 2023.

7. A licensee is obligated to report any administrative action taken against the licensee to the NCDOI within thirty (30) days of the action's final disposition. *See* N.C. Gen. Stat. § 58-33-32(k). A licensee may report an administrative action by uploading a copy of the administrative action to the National Insurance Producer Registry ("NIPR") Attachment Warehouse or reporting it directly to the NCDOI via mail, e-mail, or fax.

8. The NIPR Attachment Warehouse screenshot shows that Respondent did not report the administrative action from Kansas within thirty (30) days from its effective date of on or around September 16, 2023. *See* Pet'r's Ex. 5. Furthermore, Respondent did not report the September 16, 2023 Kansas administrative action directly to the NCDOI.

9. The NIPR Attachment Warehouse screenshot does show that Respondent reported the June 6, 2018 administrative action from Florida on June 19, 2018. *See* Pet'r's Ex. 5. The administrative action from Florida is not at issue in this hearing, but it shows that Respondent was aware of how to report an administrative action.

10. On January 30, 2024, Agent Services sent correspondence via e-mail to Respondent's e-mail addresses of record informing Respondent that Agent Services was aware of the unreported Kansas administrative action and explained the statutory requirement to report within thirty (30) days after the final disposition. Respondent was instructed to provide Agent Services with a written response, along with documentation regarding the Kansas administrative action within ten (10) days. *See* Pet'r's Ex. 7. Respondent failed to provide any response to this correspondence.

11. On February 9, 2024, Agent Services sent a follow-up correspondence via e-mail to Respondent's e-mail addresses of record noting that Respondent failed to provide a response and the requested documentation requested in the January 30, 2024 correspondence. *See* Pet'r's Ex. 8. This February 9, 2024 correspondence gave Respondent notice that unless he provided a response to Agent Services within ten (10) days, Agent Services would consider Respondent to be in violation of N.C. Gen. Stat. §§ 58-2-185 and 58-2-195 and may consider proceeding with an administrative action against his license. *Id.* Respondent failed to provide any response to this correspondence.

12. On March 1, 2024, Agent Services sent correspondence via first-class mail to Respondent's residential address of record and e-mailed a copy of the letter to Respondent's e-mail addresses of record requesting that Respondent attend an informal conference to discuss the Kansas administrative action. The informal conference was scheduled for Respondent on April 11, 2024 at 11:30 a.m. eastern time. *See* Pet'r's Ex. 9.

13. In response to the March 1, 2024 correspondence, Respondent called Agent Services to discuss the informal conference letter. Agent Services informed Respondent of what was needed in regard to the Kansas administrative action, and informed Respondent that he needed to attend the informal conference in person in Raleigh.

14. Respondent did not attend the April 11, 2024 informal conference with Agent Services.

15. On April 12, 2024, Agent Services sent correspondence via first-class mail to Respondent's residential address of record and e-mailed a copy of the letter to Respondent's e-mail addresses of record advising Respondent that he failed to respond to the NCDOI's repeated attempts to resolve this matter and he failed to appear at the informal conference. This correspondence informed Respondent that formal proceedings would be instituted under Article 3A of Chapter 150B, and an administrative hearing would be scheduled in Raleigh, N.C. at a time and date to be determined. *See* Pet'r's Ex. 10. Respondent failed to provide any response to this correspondence.

16. As of the date of the hearing, Respondent had failed to report the Kansas administrative action directly to the NCDOI or via the NIPR Attachment Warehouse.

CONCLUSIONS OF LAW

1. This matter is properly before the Commissioner. The Commissioner has jurisdiction over the parties and the subject matter pursuant to Chapter 58 of the North Carolina General Statutes.

2. Respondent was properly served with the Notice of Administrative Hearing and Petition for Administrative Hearing pursuant to N.C. Gen. Stat. §§ 58-2-69(d) and (e) and Rule 4 of the North Carolina Rules of Civil Procedure.

3. N.C. Gen. Stat. § 58-33-32(k) requires an insurance producer to report to the Commissioner any administrative action taken against the producer in another state within 30 days after the final disposition of the matter and to include a copy of the order or consent order and other information or documents filed in the proceeding

necessary to describe the action. Respondent was required to report the Kansas administrative action (effective on or around September 16, 2023) within thirty (30) days of the action's final disposition.

4. Respondent's failure to report and provide a copy of the September 16, 2023 Kansas administrative action within thirty (30) days of the action's final disposition is a violation of N.C. Gen. Stat. § 58-33-32(k).

5. N.C. Gen. Stat. § 58-33-46(a)(2) allows the Commissioner to place on probation, suspend, or revoke the license of a licensee who has violated any insurance law of this or any other state, violated any administrative rule, subpoena, or order of the Commissioner or of another state's insurance regulator, or violated any rule of FINRA.

6. Respondent's resident insurance producer license is subject to disciplinary action due to Respondent's violation of N.C. Gen. Stat. § 58-33-32(k) for failing to timely report the September 16, 2023 Kansas administrative action within thirty (30) days of the action's final disposition.

7. N.C. Gen. Stat. § 58-33-46(a)(9) allows the Commissioner to place on probation, suspend, or revoke the license of a licensee for having an insurance producer license, or its equivalent, denied, suspended, or revoked in any other jurisdiction for reasons substantially similar to those listed in this subsection.

8. N.C. Gen. Stat. § 58-33-46(a)(1) provides that the Commissioner may place on probation, suspend, revoke or refuse to issue or renew any license issued under Article 58 of the General Statutes of North Carolina for a licensee providing materially incorrect, misleading, incomplete, or materially untrue information in the license application. Kansas determined that Respondent provided incorrect, misleading, incomplete or untrue information in his license application in violation of K.S.A. 40-4909(a)(1). Kansas' denial of Respondent's non-resident insurance producer license application was for reasons substantially similar to N.C. Gen. Stat. § 58-33-46(a)(1). This is a violation of N.C. Gen. Stat. § 58-33-46(a)(9).

9. Respondent's violation of N.C. Gen. Stat. § 58-33-46(a)(2), by itself, is sufficient grounds to support suspension or revocation of Respondent's resident insurance producer license.

10. Respondent's violation of N.C. Gen. Stat. § 58-33-46(a)(9), by itself, is also sufficient grounds to support suspension or revocation of Respondent's resident insurance producer license.

11. N.C. Gen. Stat. § 58-2-70(c) provides that if, under subsection (b) of this section, the Commissioner finds a violation of this Chapter, the Commissioner may,

in addition to or instead of suspending or revoking the license, order the payment of a monetary penalty as provided in subsection (d) of this section. Respondent's failure to report and provide a copy of the Kansas administrative action within thirty (30) days of the action's final disposition subjects Respondent's resident insurance producer license to suspension or revocation in accordance with N.C. Gen. Stat. § 58-2-70(b).

ORDER

BASED UPON the foregoing Findings of Fact and Conclusions of Law, the Hearing Officer enters the following:

It is ORDERED that Respondent's resident insurance producer license issued by the North Carolina Department of Insurance is hereby **REVOKED** effective five (5) days from the signing of this Order.

This the 28th day of July, 2025,

A large black rectangular redaction box covering the signature of the Hearing Officer.

Shannon Wharry
Hearing Officer
N.C. Department of Insurance

APPEAL RIGHTS

This is a Final Agency Decision issued under the authority of N.C. Gen. Stat. § 150B, Article 3A.

Under the provisions of N.C. Gen. Stat. § 150B-45, any party wishing to appeal a final decision of the North Carolina Department of Insurance must file a Petition for Judicial Review in the Superior Court of the county where the person aggrieved by the administrative decision resides, or in the case of a person residing outside the State, the county where the contested case which resulted in the final decision was filed. The appealing party must file the petition within 30 days after being served with a written copy of the Order and Final Agency Decision. In conformity with 11. NCAC 01.0413 and N.C. Gen. Stat. § 1 A-1, Rule 5, this Order and Final Agency Decision was served on the parties on the date it was placed in the mail as indicated by the date on the Certificate of Service attached to this Order and Final Agency Decision. N.C. Gen. Stat. § 150B-46 describes the contents of the Petition, including explicitly stating what exceptions are taken to the decision or procedure and what relief the petitioner seeks, and requires service of the Petition by personal service or by certified mail upon all who were parties of record to the administrative proceedings. The mailing address to be used for service on the Department of Insurance is: Amy Funderburk, General Counsel, 1201 Mail Service Center, Raleigh, NC 27699-1201.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing **ORDER AND FINAL AGENCY DECISION** by mailing a copy of the same via certified U.S. mail, return receipt requested and via first class U.S. mail to the licensee at the residential address provided to the Commissioner pursuant to N.C. Gen. Stat. § 58-2-69(b) and (d); and via State Courier to Attorney for Petitioner, addressed as follows:

Marcel Anderson
2618 Rothbury Way
Wilmington, NC 28411
(Respondent)

Certified Mail Tracking Number: 9589 0710 5270 2731 6465 30

Anne Goco Kirby
Assistant Attorney General
N.C. Department of Justice
Insurance Section
9001 Mail Service Center
Raleigh, NC 27699-9001
(Attorney for Petitioner)

This the 28th day of July, 2025.



Raheema I. Moore
Clerk of Court for Administrative Hearings
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